

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 08-cr-92-01-SM

Moses Ehiabhi

ORDER

Re: Document No. 22, Motion for Sentencing Transcript

Ruling: Denied. Defendant's motion for a free sentencing transcript must be denied. Defendant has not made the requisite showing that a sentencing transcript is necessary to pursue a direct appeal of his conviction and sentence, because no appeal was filed within the time allowed. And, to secure a free transcript to support a collateral relief petition (e.g. under the provisions of 28 U.S.C. Section 2255), defendant must first show that such a petition has some merit. Ellis v. State of Maine, 448 F.2d 1325, 1327 (1st Cir. 1971). And, under the provisions of 28 U.S.C. Section 753(f), the court would be required, before providing defendant with free transcripts, to certify that defendant's appeal or collateral relief petition, is not frivolous, and the transcripts are needed to decide an issue presented by the appeal or motion. No appeal was filed and no collateral relief petition is pending, and defendant has said nothing about what issues he might raise and why a transcript would be necessary to fairly adjudicate those issues.



Steven J. McAuliffe
Chief Judge

Date: September 22, 2009

cc: Moses Ehiabhi, pro se
Jennifer Davis, AUSA
Jessica Brown, Esq.